



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/934,723

08/22/2001

Martin Ebinger

510.1015

9142

23280

7590

10/06/2004

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

EXAMINER

CHEN, WENPENG

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,723

Applicant(s)

EBINGER, MARTIN

Examiner

Wenpeng Chen

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Information Disclosure Statement

1. The information disclosure statement filed 8/22/2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

2. Figures 1-6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the essential parts are hand drawn. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark

Art Unit: 2624

Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities.

- The phrase "test means 5" in line 5, section [0005] shall be changed to "test means 6".
- The abstract is longer than 150 words.
- The meaning of 1, n in the SUM function shall be spelled out. If it represents sum over 1 to n values, state it explicitly.

Appropriate correction is required.

Claim Objections

5. Claims 1-46 are objected to because of the following informalities:

- In Claim 1, the phrase "the a nominal description" in line 5 shall be changed to "the nominal description".

Appropriate correction is required.

Art Unit: 2624

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the following reasons.

There are insufficient antecedent bases for the following limitations.

-- Claim 1 recites the features of "the actual description MI" in line 1, "the actual geometric dimensions " in line 3, "the actual position" in line 3, "the actual orientation" in line 3, and "the quality" in line 24.

-- Claim 5 recites the feature of "the defined surfaces" in lines 2-3.

-- Claim 6 recites the feature of "the determined surfaces" in lines 2-3.

-- Claim 7 recites the feature of " the specified spatial points " in line 2.

-- Claim 8 recites the feature of " the determined spatial points " in lines 2-3.

-- Claim 15 recites the features of "the target set" in line 6 and " the geometric configuration" in line 12.

-- Claim 16 recites the feature of " the required subset" in line 4.

8. The meanings of equations recited in Claims 35 and 36 are not clear.

Allowable Subject Matter

9. Claims 1-46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office.

Art Unit: 2624

The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to teach the method of Claim 1 which specifically comprises the following features in combination with other limitations:

-- determining a transformation T for aligning the object under measurement according to the nominal description, the determining of the transformation including:

- determining an *initial transformation T_{init} for mapping the actual description MI , so as to define a transformed actual description MI_t , and mapping the nominal description MS with the inverse T_{init}^{-1} of initial transformation T_{init} , so as to define a transformed nominal description MSt ,*

- determining target elements from the nominal description MS for selected elements of the transformed actual description MI_t , and determining target elements from the actual description MI for selected elements of the transformed nominal description MSt ,

- that the target elements of MI_t are transformed with the inverse T_{init}^{-1} and form the target elements for the selected elements of the actual description MI ; and in that the target elements of MSt are transformed with the initial transformation T_{init} and form the target elements for the selected elements of the nominal description MS .

10. The relevant prior art is listed in form PTO-892 in which publication of Meng et al. is the most relevant one. None of the prior art teaches the combination of above cited features. Because the references listed in IDS (paper #5) are not in the English language and do not

Art Unit: 2624

include a concise explanation of the relevance to the above features, the information referred to therein has not been considered for the above conclusion.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wenpeng Chen whose telephone number is 703 306-2796. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on 703 308-7452. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications. TC 2600's customer service number is 703-306-0377.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Wenpeng Chen
Primary Examiner
Art Unit 2624

September 22, 2004

